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GOOGLE LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ANIBAL RODRIGUEZ, et al. individually and
on behalf of all others similarly situated,

Plaintiffs,

V.

GOOGLE LLC

Defendant.

Case No. 3:20-CV-04688-RS

[PROPOSED] ORDER DENYING PLAINTIFFS' MOTION TO QUASH SUBPOENA TO SUSAN HARVEY

Dept: 3, 17th Fl.

Judge: Hon. Richard Seeborg

Date Action Filed: July 14, 2020
Trial Date: August 18, 2025

1 Having considered Plaintiffs' Motion to Quash the trial subpoena served on Plaintiff and
 2 Class Representative Susan Lynn Harvey, Defendant Google LLC's Opposition thereto, and the
 3 arguments presented to the Court, the Court hereby finds as follows:

4 1. Plaintiffs have not met their burden to show that Ms. Harvey is medically unavailable to
 5 testify under Federal Rule of Civil Procedure 32(a)(4)(C) or that the subpoena subjects her
 6 to an undue burden under Rule 45(d)(3). The evidence provided is insufficient to excuse a
 7 named Plaintiff and Class Representative from testifying at trial.

8 2. Defendant Google LLC would be significantly prejudiced if it were unable to conduct a live
 9 cross-examination of Ms. Harvey. Her testimony is critical for the jury to assess her
 10 credibility regarding her claims of harm. A videotaped deposition is not an adequate
 11 substitute under these circumstances.

12 Accordingly, IT IS HEREBY ORDERED that:

13 Plaintiffs' Motion to Quash the subpoena is **DENIED**. Plaintiff Susan Lynn Harvey shall
 14 comply with the trial subpoena and appear to provide testimony in this matter.

15
 16 **IT IS SO ORDERED.**

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 18 Dated: _____

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 20 HON. RICHARD SEEBORG
 21 United States District Judge

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